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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,194	04/09/2004	Yoshihiko Sano	163852020900	8606

7590 03/01/2007  
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EXAMINER

MALLARI, PATRICIA C

ART UNIT	PAPER NUMBER
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3735

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/821,194

Applicant(s)

SANO ET AL.

Examiner

Patricia C. Mallari

Art Unit

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/16/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/22/06 has been entered.

### ***Claim Objections***

Claim 4 is objected to because of the following informalities:

On line 3 of claim 4, "a first body section" should be replaced with "the first body section", since the first body section was introduced on line 20 of claim 1, upon which claim 4 ultimately depends. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 3-6 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure that is not enabling. The lock pin and trunk region of the lock cancel button, critical or essential to the practice of the invention, but not included in the claim(s) is not

enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claim 1 recites the limitation "wherein the sliding section is configured to be locked inwardly toward a first body section by a coil spring". In the arguments filed 11/22/06, the applicants refer to figure 4 of the instant application to explain operation of the coil spring. The specification shows in figure 4 and describes on pp. 12-13 that the locking of the sliding section is effected by the cooperation of the coil spring 113d, the lock pin 106B, and the trunk region 113b of the lock cancel button 113. The locking of the sliding section appears to require the presence of the lock pin and trunk section of the lock cancel button in order to properly function. The specification does not reasonably provide description or enablement of an embodiment wherein the locking of the sliding section is effected by just the coil spring, as recited in claim 1, such that one of ordinary skill in the art would be able to make and/or use the claimed invention without undue experimentation.

### ***Claim Rejections - 35 USC § 102/103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as obvious over US Patent No. 6,023,816 to Okada et al. in view of US Patent No. 2,009,254 to Feid, or, in the alternative, obvious over Okada in view of Feid, and further in view of US Patent No. 6,314,058 to Lee. Okada teaches a fastener comprising a belt member 1, 12 adapted to substantially surround a part of a human body. A winding length adjusting unit 2, 6, 10, 13, 30 is connected to the belt member 1, 12 for adjusting a winding length, wherein the winding length adjusting unit 2, 6, 10, 13, 30 is capable of selecting among a measuring winding length state (when body section 2 is secured to body section 30 and sliding section 3, 5, a non-measuring winding length state, and a mount/demount length state. The non-measuring winding length is a second winding length longer than the first winding length, and the mount/demount length state enables mounting or demounting of the belt from the part of the human body. The winding length adjusting unit 2-6, 10, 13, 30 has a body section 2, 4-6, 10, 30 and a sliding section 1, 3-5, wherein the sliding section is configured to slide in a direction that enables the measuring winding length to be achieved, wherein the end of band 1 and pin 3 are configured to slide along the walls 4 of cover 2 so as to tighten the band. The sliding section is also configured to slide in a direction to be released from the body section to acquire the non-measuring winding length state. The sliding section 1, 3-5 is configured to be locked inwardly toward the first body section 2, wherein the pin 3 is a spring loaded pin (see entire document, especially col. 3, lines 21-32 of Okada). The fastener is configured to adapt to the size of a wrist in response to a change to the measuring winding length state from the mount/dismount length state (see entire document,

especially figs. 1-3; col. 1, lines 5-10; col. 3, lines 21-67; col. 4, lines 13-36 of Okada).

Okada lacks details as to the spring-loaded pin.

However, Feid teaches a spring-loaded pin in a watch closure, wherein the spring loaded pin comprises a coil spring 16 (see entire document, especially figs. 6 & 7 of Feid). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the coil spring in the spring loaded pin of Okada, since Okada teaches using a spring loaded pin and Feid describes such a spring loaded pin.

As to the language "blood pressure meter cuff fastener "and "for measuring a blood pressure", the applicants should note that this is merely "intended use" language which cannot be relied upon to define over the prior art since Okada teaches all of the claimed structural elements and their recited relationships. The fastener of Okada could certainly be used on a blood pressure meter cuff.

In the alternative, Lee teaches a blood pressure cuff meter employing a watchband and fastener (see entire document, especially figs. 1-4; col. 2, lines 55-61 of Lee). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the fastener of Okada on a blood pressure meter cuff, since Okada teaches a watch band and fastener (see entire document, especially col.1, lines 5-10; col. 4, lines 13-15 of Okada) and Lee describes using a watch band and fastener on a blood pressure meter cuff.

Regarding claim 3, the spring loaded pin 3, holes 5 in sidewall 4, and the band make up a first fixing mechanism for selectively fixing one of the measuring winding length state and the non-measuring winding length state between the body section 2, 4,

5 and the sliding section 1, 3-5 (see entire document, especially figs. 1 & 2; col. 3, lines 21-32 of Okada).

Regarding claim 4, the body section 2, 4-6, 10, 30 has the first body section 2, a second body section 6 provided pivotally on one end of the first body section and which can be folded on the first body section 2, and a third body section 10, provided pivotally on the other end of the second body section 6 and which can be folded on the second body section 6. The first 2, second 6, and 10 third body sections are folded to be superimposed one on another to enable the measuring winding length state and the non-measuring winding length state to be achieved. The second 6 and third 10 body sections are released from the folding state of the first body section to enable the mount/demount length state to be acquired (see entire document, especially figs. 1 & 2 of Okada).

Regarding claim 5, a second fixing mechanism 16, 19, 20, 26 is provided to fix the measuring winding length state and the non-measuring winding length state between the first body section 2 and the third body section 10 (see entire document, especially figs. 1-3; col. 4, lines 13-56 of Okada).

Regarding claim 6, the combination of Okada with Lee teaches an electronic blood pressure meter (see entire document, especially col. 2, line 55-col. 3, lines 3; col. 5, lines 28-47 of Lee) having a blood pressure meter cuff fastener according to claims 1, 3, or 5.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 3-6 have been considered but are moot in view of the new ground(s) of rejection.

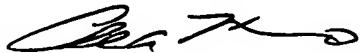
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia C. Mallari whose telephone number is (571) 272-4729. The examiner can normally be reached on Monday-Friday 10:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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